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PTO/SB/21 (07-06)

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Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number 10/582,834

Filing Date June 14, 2006

First Named Inventor Rozenn NICOL

Group Art Unit Unassigned

Examiner Name Unassigned

Total Number of Pages in This Submission

Attorney Docket Number P1922US

### ENCLOSURES (check all that apply)

☐ Fee Transmittal Form

☐ Fee Attached

☐ Amendment / Reply

☐ After Final

☐ Affidavits/declaration(s)

☐ Extension of Time Request

☐ Express Abandonment Request

☒ Information Disclosure Statement

☐ Certified Copy of Priority Document(s)

☐ Response to Missing Parts/ Incomplete Application

☐ Response to Missing Parts under 37 CFR 1.52 or 1.53

☐ Drawing(s)

☐ Licensing-related Papers

☐ Petition

☐ Petition to Convert to a Provisional Application

☐ Power of Attorney, Revocation, Change of Correspondence Address

☐ Terminal Disclaimer

☐ Request for Refund

☐ CD, Number of CD(s) \_\_\_\_\_

☐ Landscape Table on CD

☐ After Allowance Communication to TC

☐ Appeal Communication to Board of Appeals and Interferences

☐ Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)

☐ Proprietary Information

☐ Status Letter

☒ Other Enclosure(s) (please identify below):

1449 Form; Copy of Cited Reference (AC); Copy of International Search Report for PCT/FR2003/003730; Certificate of Mailing under 37 CFR 1.8; Postcard

Remarks

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name

Brian C. Rupp, Reg. No. 35,665  
Gardner Carton & Douglas LLP

Signature

Date

October 11, 2006

### CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this date October 11, 2006

Typed or printed name

Irina L. Mikitiouk

Signature

Date

October 11, 2006

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. CH02/ 22464970.1



**CERTIFICATE OF MAILING  
UNDER 37 CFR 1.8**

**Date of Deposit: October 11, 2006**

I hereby certify that the following Information Disclosure Statement along with its enclosures is being deposited with the United States Postal Service with sufficient postage as first class mail on the date indicated above, addressed to:

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Title: ACOUSTIC SYNTHESIS AND SPATIALIZATION METHOD  
Inventor(s): Nicol et al.  
Application No.: 10/582,834  
Filed: June 14, 2006

**Enclosed:**

1. Transmittal Form (1 pg)
2. Information Disclosure Statement (4 pgs) and duplicate thereof (4 pgs)
3. 1449 Form citing Three (3) References (AA-AC) (1 pg)
4. Copy of One (1) Cited Reference (AC)
5. Copy of International Search Report for PCT/FR2003/003730 (3 pgs)
6. Return postcard

Irina L. Mikitiouk  
Typed or Printed Name

*I. Mikitiouk*  
Signature

Attorney Docket No. **P1922US**  
Client No. 084526-1922  
CH02/ 22464978.1



PATENT  
Attorney Docket No. P1922US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Nicol et al.

Group Art Unit: Unassigned

Application No. 10/582,834

Examiner: Unassigned

Filed: June 14, 2006

For: ACOUSTIC SYNTHESIS AND  
SPATIALIZATION METHOD

INFORMATION DISCLOSURE STATEMENT

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Pursuant to 37 CFR 1.97 and 1.98, the references listed on the enclosed Form PTO-1449 and/or Substitute Form PTO-1449 ("Form 1449") are submitted for consideration by the Examiner in the examination of the above-identified patent application.

The full consideration of the references in their entirety by the Examiner is respectfully requested and encouraged. Also, it is respectfully requested that the references be entered into the record of the present application and that the Examiner place his or her initials in the appropriate area on the enclosed Form 1449, thereby indicating the Examiner's consideration of each of the references.

The submission of the references listed on the Form 1449 is for the purpose of providing a complete record and is not a concession that the references listed thereon are prior art to the invention claimed in the patent application. The right is expressly reserved to establish an invention date earlier than the above-identified filing date in order to remove any reference submitted herewith as prior art should it be deemed appropriate to do so.

Further, the submission of the references is not to be taken as a concession that any reference represents art that is material, relevant or analogous to the claimed invention. Accordingly, the right to argue that any reference is not properly within the scope of prior art relevant to an examination of the claims in the above-identified application is also expressly reserved.

The Information Disclosure Statement is being filed:

- ☒ **within** any one of the following time periods: (a) within three months of the filing date of a national application other than a continued prosecution application under 37 CFR 1.53(d); (b) within three months of the date of entry of the national stage as set forth in 37 CFR 1.491 of an international application; (c) before the mailing date

of a first Office Action on the merits; or (d) before the mailing of a first Office Action after the filing of a request for continued examination under 37 CFR 1.114.

- ☐ **after** (a), (b), (c) or (d) above, but before the mailing date of a final action under 37 CFR 1.113, a Notice of Allowance under 37 CFR 1.311, or an action that otherwise closes prosecution in the application, and includes *one* of:

☐ the Statement under 37 CFR 1.97(e) (see "Statement under 37 CFR 1.97(e)" below).

*or*

☐ the fee of \$180 set forth in 37 CFR 1.17(p) (see "Fees" below).

- ☐ **after** the mailing date of a final action under 37 CFR 1.113 or a Notice of Allowance under 37 CFR 1.311, or an action that otherwise closes prosecution in the application, and on or before payment of the issue fee, and includes the Statement under 37 CFR 1.97(e) (see "Statement under 37 CFR 1.97(e)" below), and the fee of \$180 as set forth in 37 CFR 1.17(p) (see "Fees" below).

- ☐ **after** the mailing date of a Notice of Allowance under 37 CFR 1.311, and on or before payment of the issue fee, and **within** thirty days of receiving each item of information contained in the Information Disclosure Statement, and includes the Statement under 37 CFR 1.704(d) (see "Statement under 37 CFR 1.704(d)" below), and the fee of \$180 as set forth in 37 CFR 1.17(p) (see "Fees" below).

NOTE: This is for original applications except applications for a design patent, filed on or after May 29, 2000, wherein a paper containing only an Information Disclosure Statement in compliance with 37 CFR 1.97 and 1.98 is being filed.

### Copies of the References

- ☐ Copies of the references listed on the enclosed Form 1449 are enclosed herewith. Attached to each reference not in the English language is a concise explanation of the relevance pursuant to 37 CFR 1.98(a)(3).

- ☒ The filing date of the subject application is after June 30, 2003. Therefore, copies of U.S. patents and patent applications that are listed on the accompanying Form 1449 are not enclosed herewith in accordance with the U.S. Patent and Trademark Office's waiver of the requirement under 37 CFR 1.98 (see Official Gazette Notice of August 5, 2003). Copies of other references identified on the accompanying Form 1449 are enclosed herewith.

- ☒ A copy of the foreign search report is enclosed herewith.

- ☐ The references listed on the enclosed Form 1449 were previously identified in the parent application(s) of the present application, and copies of the references were furnished at that time. Accordingly, additional copies of the references are not submitted herewith, so as not to burden the file with duplicate copies of references. The Examiner is respectfully requested to carefully review the references in accordance with the requirements set out in the Manual of Patent Examining

Procedure. In accordance with 37 CFR 1.98(d), the details of the parent application(s) relied upon for an earlier filing date under 35 USC 120 in which copies of the references were previously furnished are set out below:

| U.S. APPLICATIONS |                  | Status ( <i>check one</i> ) |         |           |
|-------------------|------------------|-----------------------------|---------|-----------|
| U.S. APPLICATIONS | U.S. FILING DATE | PATENTED                    | PENDING | ABANDONED |
| 1.                |                  |                             |         |           |
| 2.                |                  |                             |         |           |
| 3.                |                  |                             |         |           |

**Statement under 37 CFR 1.97(e)**

- ☐ The **undersigned** hereby states that each item of information contained in the Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign patent application not more than three months prior to the filing of the Information Disclosure Statement.
- ☐ The **undersigned** hereby states that no item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign patent application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in the Information Disclosure Statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the Information Disclosure Statement.

**Statement under 37 CFR 1.704(d)**

- ☐ The **undersigned** hereby states that each item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in 37 CFR 1.56(c) more than thirty days prior to the filing of the Information Disclosure Statement.

**Fees**

- ☒ **No fee** is owed by the applicant(s).
- ☐ The **IDS Fee of \$180** under 37 CFR 1.17(p) is enclosed herewith.

**Method of Payment of Fees**

- ☐ Attached is a check in the amount of \$ .
- ☐ Charge Deposit Account No. 07-0181 in the amount of \$ . (A duplicate copy of this communication is enclosed for that purpose.)

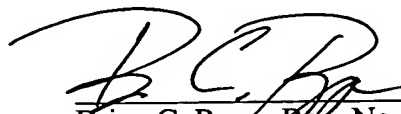
In re Appln. of Nicol et al.  
Application No. 10/582,834

**Authorization to Charge Additional Fees**

- ☒ If any additional fees are owed in connection with this communication, please charge Deposit Account No. 07-0181. (A duplicate copy of this communication is enclosed for that purpose.)

**Instructions as to Overpayment**

- ☒ Credit Account No. 07-0181.  
☐ Refund

  
\_\_\_\_\_  
Brian C. Rupp, Reg. No. 35,665  
GARDNER CARTON & DOUGLAS LLP  
191 N. Wacker Drive, Suite 3700  
Chicago, Illinois 60606-1698  
(312) 569-1000 (telephone)  
(312) 569-3000 (facsimile)  
Customer No.: 08968

Date: October 11, 2006

**CERTIFICATE OF MAILING**

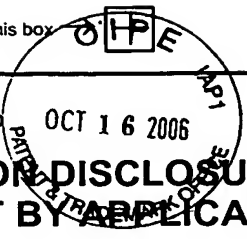
I hereby certify that this INFORMATION DISCLOSURE STATEMENT (along with any documents referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Date: October 11, 2006

  
\_\_\_\_\_  
Irina L. Mikitiouk

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Please type a plus sign (+) inside this box



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|---|---|---------------|---|--------------------------|--|
| Substitute for form 1449A/B/PTO<br><b>INFORMATION DISCLOSURE<br/>STATEMENT BY APPLICANT</b><br><i>(Use as many sheets as necessary)</i> |   |               |   | <b>Complete if Known</b> |  |
| Application Number  |   | 10/582,834    |   |                          |  |
| Filing Date   |   | June 14, 2006 |   |                          |  |
| First Named Inventor  |   | Rozenn NICOL  |   |                          |  |
| Group Art Unit  |   | Unassigned    |   |                          |  |
| Examiner Name   |   | Unassigned    |   |                          |  |
| Attorney Docket Number  |   | P1922US       |   |                          |  |
| Sheet   | 1 | of            | 1 |                          |  |

| U.S. PATENT DOCUMENTS |             |                                 |           |                               |                     |                               |
|-----------------------|-------------|---------------------------------|-----------|-------------------------------|---------------------|-------------------------------|
| Examiner<br>Initials  | Doc.<br>No. | U.S. Patent Document            |           | Name of Patentee or Applicant | Date of Publication | Filing Date If<br>Appropriate |
|                       |             | Application or<br>Patent Number | Kind Code |                               |                     |                               |
|                       | AA          | 5,822,438                       | A         | Sekine et al.                 | October 13, 1998    |                               |
|                       | AB          | 5,977,471                       | A         | Rosenzweig                    | November 2, 1999    |                               |
|                       |             |                                 |           |                               |                     |                               |
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| FOREIGN PATENT DOCUMENTS |             |                         |                                 |           |                               |                     |             |      |
|--------------------------|-------------|-------------------------|---------------------------------|-----------|-------------------------------|---------------------|-------------|------|
| Examiner<br>Initials     | Doc.<br>No. | Foreign Patent Document |                                 |           | Name of Patentee or Applicant | Date of Publication | Translation |      |
|                          |             | Office                  | Application or<br>Patent Number | Kind Code |                               |                     | Yes         | No** |
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| OTHER - NON PATENT LITERATURE DOCUMENTS |             |  |  |  | Translation |      |
|---|-------------|--|--|--|-------------|------|
| Examiner<br>Initials                    | Doc.<br>No. | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number (s), publisher, city and/or country where published.         |  |  | Yes         | No** |
|   |             |  |  |  |             |      |
|   | AC          | CHEN et al., "Synthesis of 3D Virtual Auditory Space Via a Spatial Feature Extraction and Regularization Model," Virtual Reality Annual International Symposium, 1993, 1993 IEEE Seattle, WA, USA, 18-22 Sept. 1993, New York, NY, USA, pp. 188-193 (September 18, 1993) |  |  |             |      |
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|--------------------|-----------------|
| Examiner Signature | Date Considered |
|--------------------|-----------------|

\* A concise statement of relevance is being submitted in lieu of a translation. 37 CFR 1.98(a)(3).  
 + An English-language equivalent/patent, or an English-language abstract, or an English-language version of the search report or action by a foreign patent office in a counterpart foreign application indicating the degree of relevance found by the foreign office is being submitted in lieu of a concise explanation of relevance under 37 CFR 1.98(a)(3).

CH02/ 22464966.1